

SECURITIES INVESTOR PROTECTION CORPORATION,  Plaintiff-Applicant,  v.  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Defendant.	Adv. Pro. No. 08-01789 (SMB)  SIPA LIQUIDATION  (Substantively Consolidated)
In re:  BERNARD L. MADOFF,  Debtor.	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  v.  BRUNO L. DI GIULIAN,  Defendant.	Adv. Pro. No. 10-04728 (SMB)

**ORDER ON MOTION FOR SUBSTITUTION OF DEFENDANT  
AND CROSS-MOTION TO DISMISS COMPLAINT**

On May 10, 2017, Irving H. Picard (“Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the Estate of Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, filed his Motion for Substitution [Doc. Nos. 65-66] (“Motion for Substitution”) seeking entry of an order substituting the Estate of Bruno L. Di Giulian and Patsy Di Giulian in her capacity as personal representative of the Estate of Bruno L. Di Giulian, as Defendants in this action pursuant to Rule 25(a)(1).

On May 23, 2017, Defendant filed Defendant’s Memorandum of Law in Opposition to

Trustee's Motion for Substitution of Defendant and in Support of Cross-Motion to Dismiss Complaint [Doc. Nos. 69-72] ("Cross-Motion to Dismiss Complaint").

On May 25, 2017, the Trustee filed his Reply in Support of the Trustee's Motion for Substitution and in Opposition to Defendant's Cross-Motion to Dismiss ("Reply") [Doc. No. 74].

On May 30, 2017, counsel for Defendant filed a letter reply brief in support of the Cross-Motion to Dismiss ("Letter Reply") [Doc. No. 76].

Due notice of the Motion for Substitution and Cross-Motion to Dismiss Complaint having been given, after deliberation and consideration of the Motion for Substitution, Cross-Motion to Dismiss Complaint, Reply and Letter Reply, and following the proceedings before the Court on May 31, 2017,

IT IS HEREBY ORDERED THAT:

1. The Motion for Substitution is GRANTED;
2. The Estate of Bruno L. Di Giulian and Patsy Di Giulian in her capacity as personal representative of the Estate of Bruno L. Di Giulian, are substituted as Defendants. The Clerk of the Court is directed to amend the caption to remove Bruno L. Di Giulian and substitute the Estate of Bruno L. Di Giulian, and Patsy R. Di Giulian, in her capacity as personal representative of the Estate of Bruno L. Di Giulian, as reflected on Exhibit A to this Order; and
3. The Cross-Motion to Dismiss Complaint is DENIED, for the reasons stated on the record on May 31, 2017.

SO ORDERED:

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

Dated: June 1, 2017  
New York, New York

**EXHIBIT A**

<p>SECURITIES INVESTOR PROTECTION CORPORATION,</p> <p>Plaintiff-Applicant,</p> <p>v.</p> <p>BERNARD L. MADOFF INVESTMENT SECURITIES LLC,</p> <p>Defendant.</p>	<p>Adv. Pro. No. 08-01789 (SMB)</p> <p>SIPA LIQUIDATION</p> <p>(Substantively Consolidated)</p>
<p>In re:</p> <p>BERNARD L. MADOFF,</p> <p>Debtor.</p>	
<p>IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,</p> <p>Plaintiff,</p> <p>v.</p> <p>THE ESTATE OF BRUNO L. DI GIULIAN, and PATSY DI GIULIAN, in her capacity as Personal Representative of the Estate of Bruno L. Di Giulian,</p> <p>Defendants.</p>	<p>Adv. Pro. No. 10-04728 (SMB)</p>